

and mapped out a plan to actually guarantee gridlock for the rest of the year.

This is sort of a stunningly cynical strategy when you think about it. Millions of Americans cannot find work. The average length of unemployment is the longest it has ever been. Hundreds of thousands of Americans who had a job when this President took office have simply dropped out of the workforce. And yet the Washington Democrats' plan for this year is to sit on their hands and blame it on the other guy.

I certainly hope this was just a couple of overzealous staffers saying this. I hope our Democratic friends have not decided this is how they plan to spend the rest of this year. I hope they have not given up on governing in favor of campaigning and complaining because, to borrow a phrase, facing up to the economic crises we face cannot wait. Democrats in Congress cannot simply throw in the towel because they are no longer getting everything they want.

The fact is, Democrats got everything they wanted for 2 years—for 2 years after this President was elected. The American people decided to impose a little balance in the November 2010 election, and they are still waiting for this White House and Democratic leaders in Congress to work on a different approach. So it is about time we got started. President Obama's 3-year experiment with big government has made our economy worse and our future more uncertain. Americans want a government that is simpler, streamlined, and secure.

But we will not be able to achieve these things if Democrats refuse to even try, if they have decided to spend the next year on show votes and legislation that is designed for bus tours instead of bill signings.

The No. 1 issue facing our country is jobs, and the No. 1 goal of Republicans in 2012 is to continue to make it easier for American small business to create jobs. We will accomplish this by focusing on three things: fundamental tax reform, regulatory reform, and energy security. But we will surely fail if the Democratic majority in the Senate refuses to help.

So Republicans will continue to make the case for policies that will spark an economic revival and create new opportunities for struggling Americans, and we hope the Democrats will join us. Tomorrow, the President will come to the Capitol to tell us what he thinks about the state of our country and to outline his plans for the future. We welcome him. We look forward to his address. We stand ready to work with him as always on an agenda that will get our Nation moving again, not an agenda to divide, not a repackaging of the same ideas that have made our economy worse and our future more uncertain but a truly bipartisan agenda that gets us beyond past skirmishes and onto a different path entirely. There is much we can and should do to-

gether. Let us focus on that and put the rest aside.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

GERRARD NOMINATION

Mr. NELSON of Nebraska. I rise to speak on behalf of an outstanding Nebraskan, State Supreme Court Justice John Gerrard. His nomination to fill a vacancy on the U.S. District Court for Nebraska is now before the Senate.

John Gerrard has built an exceptional record in private practice and on the Nebraska Supreme Court and will do an exemplary job as a U.S. district judge for the District of Nebraska. I have known him for more than 20 years and believe he has the experience, the intellect, and the temperament needed on our Federal bench. I cannot think of anyone better qualified than John Gerrard.

I was very pleased the President nominated him. I have welcomed my colleague Senator Johann's strong support, and I believe the Senate should confirm him for the position of a U.S. district court judge.

John Gerrard, a native of Schuyler, NE, has served as a private attorney, a city attorney, counsel to several public school districts in Nebraska, and he has an outstanding public record as a judge. In private practice, Judge Gerrard tried dozens of cases, both civil and criminal, to verdicts in State and Federal courts. He was highly respected as a trial attorney earning an "AV" Martindale-Hubbell rating from his colleagues. He was elected to the American Board of Trial Advocates by his peers.

During my tenure as Governor, I appointed him, in 1995, to the Nebraska Supreme Court. Nebraska voters have shown their confidence in him by retaining him in office three times: in 1998, 2004, and 2010. He has consistently received top ratings by the Nebraska State Bar Association in its biennial judicial evaluations, particularly in the areas of legal analysis, judicial temperament, and fair treatment of litigants and their lawyers.

Furthermore, the Nebraska judicial system gave him its Distinguished Judge for Improvement of Judicial System Award in 2006. This was in recognition of his work as cochair of the system's Minority Justice Committee

and the Interpreter Advisory Committee, as well as leading initiatives promoting racial and ethnic fairness under the law.

Also, in 2008, the Nebraska State Bar Foundation gave him its Legal Pioneer Award. This was for making the courts more user friendly for citizens from all cultures by utilizing technology and other means to improve both understanding and participation in the courts. I would note that on the Nebraska Supreme Court, Judge Gerrard has authored more than 450 opinions, and he is widely considered a leader on that court.

Judge Gerrard is held in the highest regard by both the bench and the bar in Nebraska, and the American Bar Association has deemed him "unanimously well qualified" to serve as a U.S. district judge. Judge Gerrard maintains the same even temperament off the bench as he does on the bench. Clearly, he is an exemplary person who has contributed much to our society.

Furthermore, he and his wife Nancy have been married for 34 years and have raised four exceptional children. I would also note that during my years as Governor, I appointed 81 judges in the State of Nebraska, including the Nebraska State Supreme Court. Since I have been in the Senate, I voted on numerous judicial nominees. In all cases, I have supported candidates for the judiciary who convinced me they would follow the law and would not manipulate it to promote a personal or activist agenda. This is a critical test for me and it is relevant concerning Justice Gerrard. I am convinced he would not allow personal beliefs to interfere with his judicial duties, nor would he bring an activist agenda to the Federal bench. He has proven this beyond a doubt with his disciplined approach to the law over the last 16½ years as a judge on the Nebraska Supreme Court.

Questions, however, have been raised to Justice Gerrard on those points, and I would like to address them now. He has been asked whether a matter may be constitutional one day and not the next based on a changing legal landscape. He has answered for the record that the U.S. Supreme Court and the circuit courts set the binding precedent on whether a matter is constitutional, which he would follow as a district judge.

He has stated a Federal district court judge can conclude the law has changed only by legislation or by a ruling by a higher court. Justice Gerrard has a clear understanding of the limitations of a Federal district court judge. He has demonstrated that understanding in the deference he has given to the legislative branch and to higher court precedent during his years on the Nebraska Supreme Court.

He has also been asked specifically whether he has personal beliefs that would make him unable to carry out the death penalty. Again, he has answered, for the record, that he does not. More to the point, Nebraska carried out the death penalty while I was